

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

United States of America)

v.)

CHRISTOPHER RYAN CHRISTIAN COUNTS)

Case No.)

2:20-mj-00100)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/02/2019 through 01/21/2020 in the county of KANAWHA in the
Southern District of West Virginia, the defendant(s) violated:

Code Section

Offense Description

18 USC 2252A(a)(5)(B)

Possession of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit.

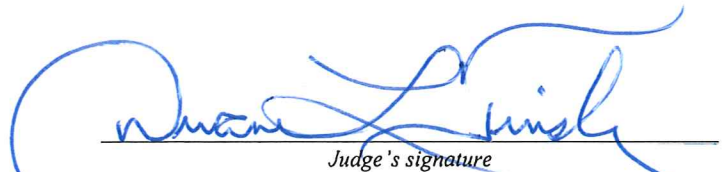
☒ Continued on the attached sheet.


Complainant's signature

MICHELLE R. SHAFFER, TFO - HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/24/2020


Judge's signature

City and state: CHARLESTON, WEST VIRGINIA

Dwane L. Tinsley, United States Magistrate Judge

Printed name and title

A F F I D A V I T

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

I, Michelle R. Shaffer, being first duly sworn, do hereby depose and state as follows:

BACKGROUND

1. I am a Senior Trooper with the West Virginia State Police, where I have been employed for five years. I am also assigned as a Task Force Officer ("TFO") with the Department of Homeland Security Investigations ("HSI"). Part of my role as a TFO with HSI includes investigating violations of federal child exploitation and child pornography laws.

2. I have received training from the West Virginia State Police Academy, including training courses regarding criminal investigations and cases dealing with the sexual exploitation of children. I have also received education through colleges and universities where parts of the courses of study dealt with criminal investigation and other parts dealt with deviant human behavior and child sexual abuse and exploitation. These institutions of higher learning include West Virginia State University and Fox Valley Technical College.

3. I am currently assigned to the West Virginia Internet Crimes Against Children Task Force ("ICAC"). As such, I am tasked

with investigating violations of federal law such as child exploitation and child pornography, including activity pertaining to the illegal receipt, distribution, and possession of child pornography in violation of 18 U.S.C. § 2252A.

4. This affidavit is intended only to show that there is sufficient probable cause for the complaint, and does not set forth all of your affiant's knowledge regarding the facts of this case.

BACKGROUND OF INVESTIGATION AND PROBABLE CAUSE

5. In October 2019 and January 2020, your affiant received a total of seven "Cybertips" from the National Center for Missing and Exploited Children ("NCMEC"). All seven tips originated from the same Google Gmail account (tcounts1975@gmail.com) and it was believed to be in the Charleston, Kanawha County, West Virginia area.

6. I reviewed the Cybertips and found that the subscriber information for the account returned to Tonya Counts. I was able to find three phone numbers associated with the account, including 304-552-0752. Google Gmail account (tcounts1975@gmail.com) was utilized to upload over one hundred images depicting nude pre-pubescent and pubescent males and females engaged in sexual acts and posed in lascivious exhibition beginning on July 2, 2019.

7. I reviewed over one hundred images that had been uploaded to the Google Gmail account (tcounts1975@gmail.com), finding that at least thirty-seven of the images were suspected child erotica,

thirty-nine images were suspected child pornography, and at least one video was suspected child pornography.

8. Specifically, Cybertip #56611794, received on October 15, 2019, contains image 1097265.jpg, an image of suspected child pornography depicting a pre-pubescent female lying on her side with an adult male bare penis touching her lips. The girl's eyes are closed and she appears to be sleeping. This image was uploaded to Google Gmail account (tcounts1975@gmail.com) on September 29, 2019 at 04:46:48 UTC.

9. Further, Cybertip #56611794, received on October 15, 2019, contains image Abd_Noo021.jpg, an image of suspected child pornography depicting two pre-pubescent males with bare penises exposed. An adult hand is touching both of the boys' penises. The hand touching the boys' penises has a different skin color than the boys. This image was uploaded to Google Gmail account (tcounts1975@gmail.com) on September 29, 2019 at 00:59:05 UTC.

10. Utilizing the information provided by NCMEC, I was able to determine that one of the phone numbers associated with the account, 304-552-0752, was also associated with CHRISTOPHER RYAN CHRISTIAN COUNTS ("COUNTS"), a registered sex offender.

11. I was also able to determine that Tonya Counts and COUNTS are mother and son.

12. A review of court records and intelligence exchange reports revealed that on May 4, 2017, COUNTS was convicted of

Attempted First Degree Sexual Abuse in Kanawha County, West Virginia. On February 22, 2019, COUNTS was again convicted of Attempted First Degree Sexual Abuse in Kanawha County, West Virginia.

13. I obtained a copy of an Order Requiring Home Incarceration that COUNTS completed in 2018. COUNTS registered his home address as 738 Randolph Street, Charleston, West Virginia. COUNTS registered phone number 304-552-0752 as his contact phone number.

14. I completed a search of Kanawha County property tax records, which revealed that Tonya Counts has this same address.

15. On January 21, 2020, COUNTS and his mother Tonya Counts came to the West Virginia State Police South Charleston Detachment for COUNTS to update information on his sex offender registry. After he completed his registration updates, it was determined that he was in violation of the requirements of the sex offender registry and would be arrested for that violation.

16. Prior to him being arrested, I spoke with COUNTS and his mother Tonya Counts. I informed them of the NCMEC Cybertips received from Google associated with Tonya Counts' account.

17. Tonya Counts denied viewing child pornography.

18. COUNTS admitted that he had used the account to view child pornography.

19. Tonya Counts left the building. I went outside to make further contact with her and found her on the telephone with her sister, utilizing speaker phone. Tonya Counts admitted on the telephone call that she had allowed COUNTS to use her phone. I spoke with Tonya Counts and she advised that the phone used had been pawned at KV Jewelry and Loan in Dunbar, West Virginia.

20. On the same day, I traveled to KV Jewelry and Loan and was able to recover a Black LG cellular phone, model ML X420TM, IMEI: 359963-10-066092-3 and an Acer table model AB003, S/N NTLF9AA0190800C378F00. Both items had been pawned by Tonya Counts and Kelly Counts on January 20, 2020.

21. On January 24, 2020, I obtained a search warrant from the Kanawha County Magistrate Court to search the cellular phone and tablet. On the same date, I also obtained a search warrant for Google Gmail account (tcounts1975@gmail.com).

22. Google responded to the search warrant on February 20, 2020, producing records for the account (tcounts1975@gmail.com). I have reviewed the records and observed several hundred images of suspected child pornography.

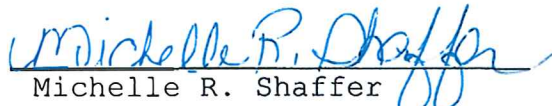
23. Specifically, one of the videos of suspected child pornography was 5:43 in length and depicts an adult female wearing panties and a face mask committing a masochistic sexual act against an infant female child (the child appears to be under the age of two). The adult female removes the infant female's diaper and

rubs what appears to be an ice cube on the infant's chest and vagina. The adult female then digitally penetrates the infant's vagina and rectum. The infant is visibly crying. The adult female then ties the infant's ankles to a wooden stick and suspends her upside down. The adult female then uses duct tape to tape the infant's hands to the bed and places a piece of duct tape over the infant's mouth. The adult female then places what appears to be clothes pins on each of the infant's nipples and vagina. The adult female then uses an open hand to strike the infant's bare buttocks. The adult female lights a match and holds it to the piece of wood from which the infant is suspended. The video ends while the infant is still suspended from the piece of wood.

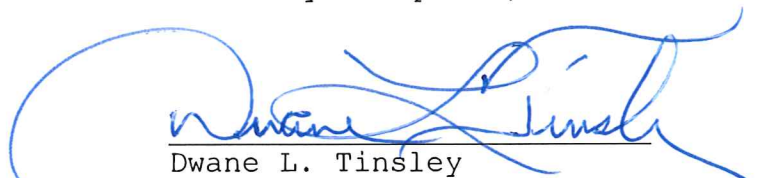
CONCLUSION

24. Your affiant respectfully submits that there is probable cause to believe CHRISTOPHER RYAN CHRISTIAN COUNTS, while located at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, knowingly possessed child pornography in and affecting interstate commerce by any means, including by computer, in violation of 18 U.S.C. § 2252A(a)(5)(B), on or about July 2, 2019 through January 21, 2020.

Further your affiant sayeth naught.


Michelle R. Shaffer
TFO, HSI

Sworn to before me, and subscribed by telephone, this
24th day of July, 2020.


Dwane L. Tinsley
United States Magistrate Judge